

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

COREY PERKINS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:19-cv-00265-JPH-DLP
)	
ARAMARK Food Services, et al.)	
)	
Defendants.)	
_____)	
ROBERT BUGHER,)	
)	
Interested Party.)	

**ORDER ON PLAINTIFF'S OBJECTION
PURSUANT TO RULE 72(a)**

This matter is before the undersigned on plaintiff Corey Perkins' objection to two rulings issued by the Magistrate Judge. Dkt. 102.

First, Mr. Perkins argues that the denial of his motion to compel on July 8, 2020, was erroneous and contrary to law. Specifically, he argues that the Magistrate Judge erred in finding that certain ACA audit reports were not in the custody and control of the Aramark defendants. Dkt. 97. Although Mr. Perkins argues that an email referencing an "attached audit" proves that Aramark did have possession and control over the ACA audit, Aramark has explained that the audit referenced in the email is not the ACA audit. Dkt. 102-1, dkt. 108. Rather, the audit referenced is a 4th Quarter IDOC 2018 audit. Dkt. 108 at 2. Aramark maintains its position that it does not have possession of the ACA audit/reports. The Court finds no error in the Magistrate Judge's ruling denying that portion of Mr. Perkins' motion to compel.

Second, Mr. Perkins argues that the Magistrate Judge lacked the authority to rescind on June 1, 2020, dkt. 85, the undersigned's December 20, 2019, order, dkt. 26, granting Mr. Perkins' motion to appoint Mike Ellis to take a deposition by written questions. When Mr. Perkins filed his motion to appoint officer to take deposition by written questions, dkt. 21, no objection was filed. After the motion was granted, Mr. Ellis objected to the appointment and the issue was discussed during a May 27, 2020, status conference. Dkt. 61, dkt. 83. The Court finds that the Magistrate Judge properly determined that Mr. Ellis' objection should be sustained. Dkt. 85. Moreover, the Court's prior ruling granting the appointment of Mr. Ellis is not a "dispositive" ruling as suggested by Mr. Perkins. Rather it was an ancillary ruling on a discovery matter, something magistrate judges have the authority to decide.

In sum, the undersigned finds nothing in the Magistrate Judge's Order denying Mr. Perkins' motion to compel or rescission of the appointment of Mr. Ellis to be clearly erroneous or contrary to law. *See* Rule 72(a). Rather, the Court finds the orders accurate, well-reasoned, and supported by law. Mr. Perkins' objections filed pursuant to Rule 72(a), dkt. [102], are **overruled**.

SO ORDERED.

Date: 9/18/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

COREY PERKINS

194799

WABASH VALLEY - CF

WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels

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